



House of Representatives

General Assembly

File No. 531

January Session, 2005

House Bill No. 6635

House of Representatives, April 26, 2005

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING THE ILLEGAL SALE OR POSSESSION WITH INTENT TO SELL OF COCAINE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 21a-278 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2005*):

4 (a) Any person who manufactures, distributes, sells, prescribes,
5 dispenses, compounds, transports with the intent to sell or dispense,
6 possesses with the intent to sell or dispense, offers, gives or
7 administers to another person one or more preparations, compounds,
8 mixtures or substances containing an aggregate weight of one ounce or
9 more of heroin, methadone or cocaine or an aggregate weight of [one-
10 half gram] one ounce or more of cocaine in a free-base form or a
11 substance containing five milligrams or more of lysergic acid
12 diethylamide, except as authorized in this chapter, and who is not, at
13 the time of such action, a drug-dependent person, shall be imprisoned

14 for a minimum term of not less than five years nor more than twenty
15 years; and, a maximum term of life imprisonment. The execution of the
16 mandatory minimum sentence imposed by the provisions of this
17 subsection shall not be suspended except the court may suspend the
18 execution of such mandatory minimum sentence if at the time of the
19 commission of the offense (1) such person was under the age of
20 eighteen years, or (2) such person's mental capacity was significantly
21 impaired but not so impaired as to constitute a defense to prosecution.

| | | |
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| This act shall take effect as follows and shall amend the following sections: | | |
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|-----------|------------------------|------------|
| Section 1 | <i>October 1, 2005</i> | 21a-278(a) |
|-----------|------------------------|------------|

JUD *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note**State Impact:**

| Agency Affected | Fund-Effect | FY 06 \$ | FY 07 \$ | FY 08 \$ |
|-------------------|--------------|----------|----------|-----------|
| Correction, Dept. | GF - Savings | None | None | Potential |

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill, which would result in potential significant savings, raises the aggregate weight of cocaine in free-base form that triggers the five year mandatory minimum prison sentence for any person who manufactures, distributes or sells it (effective October 1, 2005). Thirty nine individuals were convicted in FY 03 under CGS Section 21a-278(a), which applies this penalty to heroin, methadone and cocaine. To the extent that the court deviates from a mandatory minimum sentence in cases disposed after the effective date of the bill, there could be an average correctional savings of three years per offender. The cumulative savings (on an average cost basis) from incarcerating someone for two years instead of five is \$78,000.

OLR Bill Analysis

HB 6635

***AN ACT CONCERNING THE ILLEGAL SALE OR POSSESSION
WITH INTENT TO SELL OF COCAINE*****SUMMARY:**

This bill eliminates the disparity in the minimum amount of crack and powder cocaine that a person must possess to be guilty of selling or manufacturing, distributing, prescribing, compounding, transporting, or possessing cocaine with intent to sell. It accomplishes this by increasing the minimum amount of crack cocaine from one-half gram to one ounce, the current minimum for powder cocaine.

By law, the penalty for selling or possessing with intent to sell at least one-half gram of crack cocaine or one ounce of powder cocaine, heroin, or methadone is five years to life in prison. The five-year sentence is a mandatory minimum, except a court may suspend the mandatory sentence if it finds that the defendant was under age 18 or mentally impaired at the time he committed the crime.

EFFECTIVE DATE: October 1, 2005

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report

Yea 24 Nay 13